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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/127,571	07/31/1998	PAILY VARGHESE	COMP:0016	1413
1200	7590	11/15/2004	EXAMINER	
AKIN, GUMP, STRAUSS, HAUER & FELD 1111 LOUISIANA STREET 44TH FLOOR HOUSTON, TX 77002			LEV, BRUCE ALLEN	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/127,571	VARGHESE ET AL.
	<b>Examiner</b> Bruce A. Lev	<b>Art Unit</b> 3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 August 2004 as an RCE.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 52-62 and 64-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 52-62 and 64-82 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

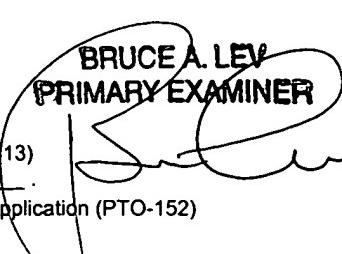
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

**BRUCE A. LEV**  
**PRIMARY EXAMINER**



**DETAILED ACTION*****Claim Objections***

***Claim 70 is objected to*** because the phrase “comprising the acts of” should be “comprising the steps of”.

***Claim Rejections - 35 USC § 112***

***Claims 54, 68, and 77-82 are rejected*** under 35 U.S.C. **112**, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As concerns claim 54 the phrase “the first telescoping rail assembly” lacks antecedent basis and therefore renders the claim as vague and indefinite.

As concerns claim 68 the phrase “the support rail”, in line 3, is vague and indefinite.since it is unclear as to which support rail is being referred to.

As concerns claim 77-82, it is not clear if the “rack system” is being claimed or if the “rack system” is being claimed in combination with a computer component” since in the preamble(s) only a “rack system” is being set forth, however, through claims 77-82 a “computer component” is also being set forth. The applicant must either positively claim the combination in the preamble, or add “adapted to be language to claims 77-82 to make it clear that just the “rack system” is being claimed, i.e., “adapted to support a computer component”.

***Claim Rejections - 35 USC 102***

***Claims 52-54, 56-60, 62, 64-66, and 68-82 are rejected*** under 35 U.S.C. 102(b) as being anticipated by ***Good et al. '256.***

***Good et al disclose*** a mounting system and storage assembly comprising:

a storage assembly (12);  
a pair of rack members comprises a first pair of racks (14a and 16a) located on a first side of the storage cabinet structure assembly and a second pair of racks (14b and 16b) located on a second side of the storage assembly, the first side of the storage cabinet structure assembly is located opposite from the second side of the storage cabinet structure assembly;  
a first support rail (52) having a recessed mounting portion that at least partially interposes between the first pair of racks (14a and 16a), see Figure 3;  
a first telescoping rail assembly (42a) being traverse to the first surface of each rack member, and having a movable portion between non-adjacent edges of the first surface of each rack member, the first pair or racks (14a and 16a) mounted to the recessed mounting portion of the first support rail; the first telescoping rail assembly (42a) comprises a first telescoping slide rail (44), see column 5, lines 1 1-16, mounted to the first support rail (52); and a second telescoping slide rail (50) mounted to the first telescoping slide rail (44); the first telescoping slid rail (44) of the first telescoping rail assembly does not extend beyond the first pair of racks (in as much as the applicant's configuration).

a second support rail (52) located opposite from the first support rail and at least partially interposes between the second pair of racks (14b and 16b), the second support rail having a recessed mounting portion; a second telescoping rail assembly (42b) mounted to the recessed mounting portion of the second support rail and at least partially interposes between the second pair or racks (14b and 16b); the second telescoping rail assembly (42a) comprises a first telescoping slide rail (44) mounted to the second support rail (52) and a second telescoping slide rail (50) mounted to the second telescoping slide rail (44), the first telescoping slide rail (44) of the second telescoping rail assembly (42b) does not extend beyond the second pair of racks (14b and 16b);

a computer component enclosure (22) having a recess section at a lower bottom of the enclosure, see Figure 3, and slidably couples between first and second telescoping rail assemblies such that the computer component enclosure is slidably moved in and out of the storage cabinet structure assembly;

and a method of supporting thereof including mounting a rail assembly to rack members.

***Claims 52-54, 56-60, 62, 64-66, and 68-82 are rejected under 35 U.S.C. 102(b) as being anticipated by Jordan 5,209,572.***

***Jordan discloses*** a storage assembly comprising:

a storage cabinet structure assembly 50;

a pair of rack members comprises a first pair of racks (portions of side member 12) located on a first side of the storage cabinet structure assembly and

a second pair of racks (similar portions of the other side member 12) located on a second side of the storage assembly, the first side of the storage cabinet structure assembly is located opposite from the second side of the storage cabinet structure assembly;

a first support rail (40) having a recessed mounting portion that at least partially interposes between the first pair of racks;

a first telescoping rail assembly (inclusive of members 20 and 30) being traverse to the first surface of each rack member, and having a movable portion between non-adjacent edges of the first surface of each rack member, the first pair or racks mounted to the recessed mounting portion of the first support rail; the first telescoping rail assembly comprises a first telescoping slide rail (30) mounted to the first support rail (40); and a second telescoping slide rail (20) mounted to the first telescoping slide rail (30); the first telescoping slide rail of the first telescoping rail assembly does not extend beyond the first pair of racks (in as much as the applicant's configuration).

a second support rail (similar to and) located opposite from the first support rail and at least partially interposes between the second pair of racks, the second support rail having a recessed mounting portion; a second telescoping rail assembly mounted to the recessed mounting portion of the second support rail and at least partially interposes between the second pair of racks; the second telescoping rail assembly comprises a first telescoping slide rail mounted to the second support rail and a second telescoping slide rail mounted to the second telescoping slide rail, the first telescoping slide rail of the second telescoping rail

assembly does not extend beyond the second pair of racks (in as much as the applicant's configuration);

a computer component enclosure (11) having a recess section at a lower bottom of the enclosure and slidably couples between first and second telescoping rail assemblies such that the computer component enclosure is slidably moved in and out of the storage cabinet structure assembly.

and a method of supporting thereof including mounting a rail assembly to rack members.

### ***Claim Rejections - 35 USC 103***

***Claim 55 is rejected*** under 35 U.S.C. 103(a) as being unpatentable over ***Good et al '256*** as applied to claims 52-54, 56-60, 62-66, and 68 above, and ***further in view of Fall et al '097.***

***Fall et al. '097 teach*** a support rail (10) that is twice the size or twice the height of the rail assemblies (12). See Figure 1. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to substitute the support rail of Good et al with the provision of the support rail that is twice the size or twice the height of the rail assembly as taught by Fall et al in order to provide a choice of mounting the rail assembly on either the upper portion or the lower portion on each side of the support rail so that to suitable the desire arrangement of the computer component enclosure mounts thereon the rack.

**Claims 61 and 67 are rejected** under 35 U.S.C. 103(a) as being unpatentable over **Good et al '256** as applied to claims 52-54, 56-60, 62-66, and 68 above, and **further in view of Hastings et al.**

Good et al '256 do not clearly teach the presence of more than one computer component enclosure mounted in the storage cabinet structure assembly. However, **Hastings et al teach** more than one computer component enclosures (34) mounted in the storage cabinet structure assembly that is well known per se, See Figure 2, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the storage cabinet structure assembly of Good et al '256 with at least two computer component enclosures as taught by Hastings et al in order to house multiple computer components of computer system.

**Claim 55 is rejected** under 35 U.S.C. 103(a) as being unpatentable over **Jordan**, as advanced above, and **further in view of Fall et al '097**.

**Fall et al. '097 teach** a support rail (10) that is twice the size or twice the height of the rail assemblies (12). See Figure 1. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to substitute the support rail of Jordan with the provision of the support rail that is twice the size or twice the height of the rail assembly as taught by Fall et al in order to provide a choice of mounting the rail assembly on either the upper portion or the lower portion on each side of the support rail so that to suitable the

desire arrangement of the computer component enclosure mounts thereon the rack.

**Claims 61 and 67 are rejected** under 35 U.S.C. 103(a) as being unpatentable over **Jordan** as advanced above, and **further in view of Hastings et al.**

**Jordan** does not clearly teach the presence of more than one computer component enclosure mounted in the storage cabinet structure assembly. However, **Hastings et al teach** more than one computer component enclosures (34) mounted in the storage cabinet structure assembly that is well known per se, See Figure 2, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the storage cabinet structure assembly of Jordan with at least two computer component enclosures as taught by Hastings et al in order to house multiple computer components of computer system.

### **Conclusion**

Remarks filed August 3, 2004 have been considered but have not been persuasive.

As concerns the new claim language and the remarks pertaining thereto, inclusive of "the telescoping rail assembly does not extend beyond the second pair of racks", the examiner points out that the rail assemblies of the prior art as set forth do not extend beyond the second pair of racks in as much the

applicant's configuration in the drawings (i.e., Figures 1 & 2 of the applicant's versus Figure 1 of Good et al, and Figure 1 of Jordan).

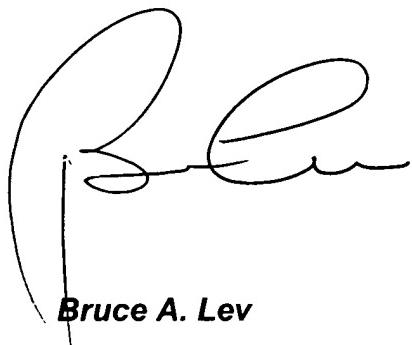
This is an RCE of Application No. 09/127,571. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

November 8, 2004

A handwritten signature in black ink, appearing to read "B.A. Lev".

B.A. Lev

*Primary Examiner*

**Group 3600**